

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 32

In the Matter of)	
)	
SOUTHERN MONTEREY COUNTY MEMORIAL)	
HOSPITAL, INC. D/B/A GEORGE L. MEE)	Case 32-RC-090886
MEMORIAL HOSPITAL,)	
)	
Employer,)	
)	
and)	
)	
NATIONAL UNION OF HEALTHCARE)	
WORKERS,)	
)	
Petitioner.)	
)	
)	
)	

DECLARATION OF ROBERT M. STONE IN SUPPORT OF EMPLOYER GEORGE L.
MEE MEMORIAL HOSPITAL’S BRIEF IN OPPOSITION TO THE UNION’S
EXCEPTIONS TO THE HEARING OFFICER’S REPORT AND
RECOMMENDATIONS ON CHALLENGED BALLOT

I, Robert M. Stone, declare as follows:

1. I am an attorney and partner in the Law Offices of Musick, Peeler & Garrett LLP, counsel for the Employer George L. Mee Memorial Hospital (“the Hospital”) in this matter. I have personal knowledge of the facts asserted in this Declaration and if called to testify I could and would competently testify thereto.

2. On Friday afternoon, February 15, 2013, which was the day after the extended deadline for Petitioner National Union of Healthcare Workers (“Union”) to file Exceptions to the Hearing Officer’s Report and Recommendations on Challenged Ballot in this matter, I sent an e-mail to Shelley Coppock, Assistant to the Regional Director for NLRB Region 32, inquiring whether the Union had filed such Exceptions. I did this because our firm had not received service of such Exceptions. Ms. Coppock responded that Exceptions had been filed by the Union on February 14, 2013, along with a proof of service stating that I had been served by facsimile at (213) 624-1376 and by U.S. mail. The stated facsimile number is the correct one for our firm. After checking again and verifying that no such facsimile or mail had been received, I again e-mailed Ms. Coppock concerning our failure to receive service and she offered to e-mail the referenced Exceptions and related documents to me. At 4:05 p.m. that same day she sent them to me. Attached and collectively labeled Exhibit A are the relevant e-mail exchanges between Ms. Coppock and me concerning this matter.

3. As of the date of this Declaration, I have not received the Exceptions or any of their accompanying documents from the Union by any method whatsoever. There has been no service by facsimile, U.S. mail or e-mail. The only copy I received of such documents was that which was forwarded to me by Shelley Coppock on February 15, 2013.

4. Although the Union’s proof of service states that the referenced documents were served on me, I also have checked with the other attorneys in our office who have worked on this matter -- Michael Goldstein and Christopher Woo. Both confirm that they have not received service either.

5. To this date, I have not received any communications from the Union concerning the substance of its Exceptions or any accompanying documents. Further, I have not been asked for consent nor consented to service via facsimile.

I declare under penalty of perjury that the foregoing is true and correct. Executed on February 20, 2013, at Los Angeles, California.

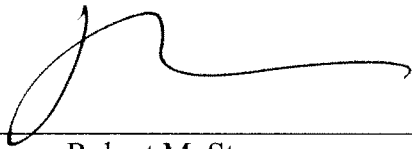
By:  _____
Robert M. Stone

EXHIBIT “A”

Stone, Robert

From: Stone, Robert
Sent: Friday, February 15, 2013 4:04 PM
To: 'Coppock, Shelley A.'
Cc: Goldstein, Michael
Subject: RE: Mee Memorial Hospital (32-RC-090886)

We were not served in any manner. If you could e-mail the documents, that would be great. We don't need the transcript since we already have that. Thanks for your help.

Robert M. Stone
Attorney

| MUSICK PEELER

Musick, Peeler & Garrett LLP
One Wilshire Boulevard, Suite 2000
Los Angeles, CA 90017

[Download V-Card](#)
r.stone@mpglaw.com
www.musickpeeler.com

T: 213.629.7814
F: 213.624.1376

The information contained in this communication is protected by the attorney-client and/or the attorney/work product privilege. It is intended only for the use of the addressee, and the privileges are not waived by virtue of this having been sent by e-mail. If the person actually receiving this communication or any other reader of the communication is not the named recipient, or the employee or agent responsible to deliver it to the recipient, any use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by return e-mail or by e-mail to administrator@mpglaw.com, and destroy this communication and all copies thereof, including all attachments.



From: Coppock, Shelley A. [mailto:Shelley.Coppock@nlrb.gov]
Sent: Friday, February 15, 2013 4:02 PM
To: Stone, Robert
Subject: RE: Mee Memorial Hospital (32-RC-090886)

We were served by electronic mail. Would you like me to e-mail all of the documents to you?

From: Stone, Robert [mailto:R.Stone@MPGLAW.com]
Sent: Friday, February 15, 2013 3:58 PM
To: Coppock, Shelley A.
Cc: Goldstein, Michael
Subject: RE: Mee Memorial Hospital (32-RC-090886)

Thanks. I checked again and we received no fax. We also haven't received anything in the mail. By what method was the document filed with your office, since the rules require service by the same method or a more expeditious one?

Robert M. Stone
Attorney

| MUSICK PEELER

Musick, Peeler & Garrett LLP
One Wilshire Boulevard, Suite 2000
Los Angeles, CA 90017

[Download V-Card](#)
r.stone@mpglaw.com
www.musickpeeler.com

T: 213.629.7814
F: 213.624.1376

The information contained in this communication is protected by the attorney-client and/or the attorney/work product privilege. It is intended only for the use of the addressee, and the privileges are not waived by virtue of this having been sent by e-mail. If the person actually receiving this communication or any other reader of the communication is not the named recipient, or the employee

or agent responsible to deliver it to the recipient, any use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by return e-mail or by e-mail to administrator@mpglaw.com, and destroy this communication and all copies thereof, including all attachments.



From: Coppock, Shelley A. [<mailto:Shelley.Coppock@nrlrb.gov>]
Sent: Friday, February 15, 2013 3:43 PM
To: Stone, Robert
Subject: RE: Mee Memorial Hospital (32-RC-090886)

They filed their exceptions yesterday and the proof of service indicates you were served by U.S. mail and by facsimile via electronic transfer at 213.624.1376. The documents were very lengthy as they included the over-200 page transcript.

From: Stone, Robert [<mailto:R.Stone@MPGLAW.com>]
Sent: Friday, February 15, 2013 3:05 PM
To: Coppock, Shelley A.
Cc: Goldstein, Michael
Subject: Mee Memorial Hospital (32-RC-090886)

Good afternoon, Shelley. Can you tell me if the Union has filed Exceptions to the Hearing Officer's Report in this matter? My understanding is that yesterday was the extended deadline. We have not received service of any Exceptions. Thanks.

Robert M. Stone
Attorney

| MUSICK PEELER

Musick, Peeler & Garrett LLP
One Wilshire Boulevard, Suite 2000
Los Angeles, CA 90017

[Download V-Card](#)
r.stone@mpglaw.com
www.musickpeeler.com

T: 213.629.7814
F: 213.624.1376

The information contained in this communication is protected by the attorney-client and/or the attorney/work product privilege. It is intended only for the use of the addressee, and the privileges are not waived by virtue of this having been sent by e-mail. If the person actually receiving this communication or any other reader of the communication is not the named recipient, or the employee or agent responsible to deliver it to the recipient, any use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by return e-mail or by e-mail to administrator@mpglaw.com, and destroy this communication and all copies thereof, including all attachments.



Stone, Robert

From: Stone, Robert
Sent: Friday, February 15, 2013 4:07 PM
To: 'Coppock, Shelley A.'
Subject: RE: Southern Monterey County Memorial Hospital, Inc., d/b/a George L. Mea Memorial Hospital, 32-RC-90886, exceptions to hearing officers report and evidence

Thanks.

Robert M. Stone
Attorney

| MUSICK PEELER

Musick, Peeler & Garrett LLP
One Wilshire Boulevard, Suite 2000
Los Angeles, CA 90017

Download V-Card
r.stone@mpglaw.com
www.musickpeeler.com

T: 213.629.7814
F: 213.624.1376

The information contained in this communication is protected by the attorney-client and/or the attorney/work product privilege. It is intended only for the use of the addressee, and the privileges are not waived by virtue of this having been sent by e-mail. If the person actually receiving this communication or any other reader of the communication is not the named recipient, or the employee or agent responsible to deliver it to the recipient, any use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by return e-mail or by e-mail to administrator@mpglaw.com, and destroy this communication and all copies thereof, including all attachments.



From: Coppock, Shelley A. [mailto:Shelley.Coppock@nrlb.gov]
Sent: Friday, February 15, 2013 4:05 PM
To: Stone, Robert
Subject: FW: Southern Monterey County Memorial Hospital, Inc., d/b/a George L. Mea Memorial Hospital, 32-RC-90886, exceptions to hearing officers report and evidence

This is what I received that appears to have been E-filed. I'm sending it all to you because I'm on my way out for the weekend.

From: Devlin, Helen E
Sent: Friday, February 15, 2013 11:02 AM
To: Coppock, Shelley A.; Alcober, Norma R.; Jose, Fernando G.
Subject: Southern Monterey County Memorial Hospital, Inc., d/b/a George L. Mea Memorial Hospital, 32-RC-90886, exceptions to hearing officers report and evidence

exceptions to hearing officers report and evidence

Helen E. Devlin
Secretary to the Regional Director
Region 32

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Los Angeles, State of California. My business address is One Wilshire Boulevard, Suite 2000, Los Angeles, California 90017-3383.

On February 20, 2013, I served true copies of the following document(s) described as **DECLARATION OF ROBERT M. STONE IN SUPPORT OF EMPLOYER GEORGE L. MEE MEMORIAL HOSPITAL'S BRIEF IN OPPOSITION TO THE UNION'S EXCEPTIONS TO THE HEARING OFFICER'S REPORT AND RECOMMENDATIONS ON CHALLENGED BALLOT** on the interested parties in this action as follows:

- ☐ **BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Musick, Peeler & Garrett LLP's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.
- ☐ **BY FAX TRANSMISSION:** I faxed a copy of the document(s) to the persons at the fax numbers listed in the Service List. The telephone number of the sending facsimile machine was 213-624-1376. No error was reported by the fax machine that I used.
- ☒ **BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused a copy of the document(s) to be sent from e-mail address p.bell@mpglaw.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on February 20, 2013, at Los Angeles, California.



Georgina L. Camacho

SERVICE LIST
NUHW/Mee Memorial
32-RC-090886

Jonathan H. Siegel, Esq.
Latika Malkani, Esq.
Siegel, Lewitter & Malkani
1939 Harrison Street, Suite 307
Oakland, CA 94612
bsiegel@sl-employmentlaw.com
lmalkani@sl-employmentlaw.com
T: (510) 452-5000
F: 510 452-5004

Ernest Gonzales
Organizer
National Union of Healthcare Workers
5801 Christie Ave., Ste. 525
Emeryville, CA 94608-1986
egonzales@nuhw.org
T: (510) 834-2009
F: (510) 834-2019